

Received: 12/11/2015 00:00:00

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 20th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 15-44115-CZ
--	----------------	--------------------------------

Court address

414 Washington Ave., Room 320, Grand Haven, Michigan 49417

Court telephone no.

(616) 846-8320 8315

Plaintiff's name(s), address(es), and telephone no(s).

Brandon Frazer
 c/o Guinan Bisonet, PLLC
 41 Washington Avenue - Suite 250
 Grand Haven, Michigan 49417

v

Defendant's name(s), address(es), and telephone no(s).

Alliance Security, Inc.
 c/o National Registered Agents, Inc.
 30600 Telegraph Road - Suite 2345
 Bingham Farms, Michigan 48025

Plaintiff's attorney, bar no., address, and telephone no.

Brook J. Bisonet (P70849)
 Guinan Bisonet, PLLC
 41 Washington Avenue - Suite 250
 Grand Haven, Michigan 49417
 (616) 847-1234

SUMMONS NOTICE TO THE DEFENDANT: in the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 11 DEC 2015	This summons expires 2016	Court clerk JUSTIN F. ROEBUCK By: [Signature]
-----------------------	------------------------------	--

*This summons is void unless served on or before its expiration date.

This document must be sealed by the seal of the court.

COMPLAINT Instruction: The following information that is required to be in the caption of every complaint and is to be completed by the plaintiff. All allegations and the claim for relief must be stated on additional complaint pages and attached to this form.**Family Division Cases**

- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village) Grand Haven, Michigan	Defendant(s) residence (include city, township, or village) Warwick, RI
Place where action arose or business conducted Grand Haven, Michigan	

12/11/2015

Date



"15004415CZ"

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Received:12/11/2015 OC Clerk

STATE OF MICHIGAN
IN THE 20th CIRCUIT COURT FOR THE COUNTY OF OTTAWA

Brandon Frazer,

Plaintiff,

-vs-

Alliance Security, Inc., a Delaware
Corporation,

Defendant.

Case No. 15- 4415 -CZ

HON. JON HULSBY
Circuit Court Judge

Brook J. Bisonet (P70849)
GUINAN BISONET, PLLC
Attorneys for Plaintiff
41 Washington Avenue – Suite 250
Grand Haven, MI 49417
(616) 847-1234

COMPLAINT

GENERAL ALLEGATIONS

1. Plaintiff is a resident of the state of Michigan residing in Ottawa County, Michigan.
2. Defendant Alliance Security, Inc. is a Delaware Corporation doing business in Ottawa County, Michigan.
3. Defendant has a certificate of authority to transact business or conduct affairs in Michigan.
4. Defendant sells home security alarm systems and home monitoring.
5. Defendant solicits customers within the state of Michigan by way of telemarketing or



"15004415CZ"

Received: 12/11/2015 00Clerk

voice broadcasting.

6. Voice broadcasting services involve the transmission of pre-recorded messages to millions of telephone numbers.

7. Plaintiff has been contacted at least fourteen times by Defendant for the purposes of soliciting the sale of home security alarm systems and home monitoring during the months of April and May of 2015 to telephone number (517) 240-8636.

8. During the telephone calls, Plaintiff would request to be removed from Defendant's call list.

9. The repeated contacts referenced in the preceding paragraph were initiated by Defendant by way of voice broadcasting.

10. The manner and method of the contacts referred to in the above paragraphs included the use of pre-recorded messages as part of a telephone solicitation.

11. Defendant's conduct violates both 47 USC 227 *et seq.* and MCL 445.111 *et seq.*

12. Both of the above statutes create private rights of action and provide statutory damages for violations.

13. On June 23, 2015, Plaintiff's counsel wrote Defendant and requested that Plaintiff be put on the Defendant's internal do-not-call list, and requested that Defendants provide her with a copy of their Do-Not-Call policies.

14. Defendant failed to provide Plaintiff with a copy of its Do-Not-Call policies.

COUNT I – Violations of the Michigan Home Solicitation Sales Act

15. Plaintiff incorporates the allegations of all preceding paragraphs by reference.

16. Each telephone solicitation made by Defendant constitutes several distinct violations of

Received:12/11/2015 OCCLark

the Michigan Home Solicitation Sales Act (MHSSA), MCL 445.111 *et seq.*

17. MCL 445.111a(1) provides, "A person shall not make a telephone solicitation that consists in whole or in part of a recorded message."

18. Defendants made, or caused to be made, at least fourteen telephone solicitations to Plaintiff which consisted of a recorded message, violating the MHSSA.

19. MCL 445.111c(1)(f) makes it an unfair or deceptive act or practice and a violation of the MHSSA to fail to comply with the requirements of MCL 445.111a.

20. Defendants have failed, as stated above, to comply with MCL 445.111a.

21. MCL 445.111c(1)(g) makes it an unfair or deceptive act or practice and a violation of the MHSSA to make a telephone solicitation to a consumer in the state of Michigan who has requested that he or she not receive calls from the organization or other person on whose behalf the solicitation is made.

22. Defendant continued to make telephone solicitations to Plaintiff, in violation of the MHSSA, after Plaintiff requested that Defendant not contact him.

23. MCL 445.111c(3) provides for statutory damages in the amount of \$250 per violation, together with reasonable attorney fees.

WHEREFORE, Plaintiff requests that this Court enter a judgment against Defendants, jointly and severally, and in favor of Plaintiff of at least \$10,500.00 in addition to reasonable attorney fees of not less than \$1,000, for a total judgment of at least \$11,500 for violations of the Michigan Home Solicitation Sales Act (MHSA), MCL 445.111 *et seq.*

Received: 12/11/2015 00:01:01

COUNT II - Violations of the Telephone Consumer Protection Act

24. Plaintiff incorporates all preceding paragraphs by reference.

25. Each telephone solicitation made by Defendant constitutes a violation of the Telephone Consumer Protection Act (TCPA), 47 USC 227 *et seq.*

26. 47 USC 227(b)(1)(A)(iii) makes it unlawful for any person to make any call "using any automatic telephone dialing system or an artificial or prerecorded voice . . . to any telephone number assigned to a paging service, cellular telephone service."

27. Defendant made, or caused to be made, at least fourteen telephone calls using an artificial or prerecorded voice to Plaintiff at his cell phone number in violation of the TCPA.

28. Plaintiff at no time expressly consented to receiving telephone calls from Defendant

29. 47 USC 227(b)(3) creates a private right of action, with exclusive state court jurisdiction, for an aggrieved party to seek both injunctive relief and statutory damages in the amount of \$500 for each violation of the TCPA.

30. 47 USC 227(b)(3)(C) allows the court, upon a finding that a defendant willfully and knowingly violated the TCPA, to award treble damages for each violation of the Act.

31. Defendant did willfully and knowingly violate the provisions of the TCPA by using an artificial or prerecorded voice to solicit Plaintiff.

32. Defendants failed to provide Plaintiff a copy of its Do-Not-Call policy upon request.

33. It is a violation of CFR 64.1200(e)(2)(i) to fail to provide a copy of an internal Do-Not-Call policy upon request.

34. Defendant willfully and knowingly failed to provide Plaintiff a copy of its internal Do-Not-Call policy.

WHEREFORE, Plaintiff requests that this Court enter a judgment against Defendant and

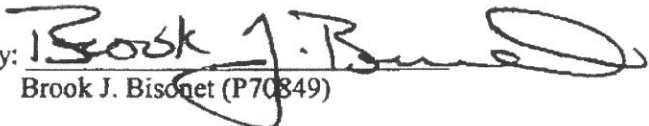
Received: 12/11/2015 00:11:11

in favor of Plaintiff in an amount of at least \$42,000.00 for violations of 47 USC 227(b)(1)(B) and CFR 64.1200(e)(2)(i), at least \$11,500 for violations of MCL 445.111 *et seq.*, for a total judgment of not less than \$53,500 together with costs and interest as allowed by statute, court rule, or otherwise.

Respectfully submitted,

Guinan Bisonet, PLLC
Attorneys for Plaintiff

Dated: December 11, 2015

By: 
Brook J. Bisonet (P70849)

41 Washington Avenue – Suite 250
Grand Haven, Michigan 49417